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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: April 9, 2008

Name: Tadashi Horie – Reg. No. 40,437

Signature: 

Our Case No. 7985/7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Minoru Goda

Serial No.: 10/783,521

Filing Date: February 20, 2004

For: Method for Making a 3D
Embroidery

)
)
) Examiner: Jessica Lee Ward

) Group Art Unit No.: 1791

) Confirmation No.: 7165
)
)

DECLARATION UNDER 37 CFR 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

I the undersigned hereby declare that

1. My name is Minoru Goda. I am the inventor of the invention disclosed and claimed in the United States Patent Application having serial number 10/783,521, filed February 20, 2004.

2. I conceived and reduced to practice the invention of the present application prior to March 27, 2003, the effective date of the Komatsu reference (WO 03/024676), evidenced by the document of Exhibit A attached to this Declaration.

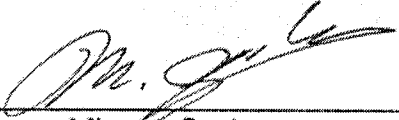
3. Exhibit A shows two embroideries showing a face of a bear (dates, selected sections of text, and pages not relevant to the present inquiry have been redacted from the original). The left embroidery is a completed product. The right one is an unfinished product.

4. The two embroideries shown in Exhibit A were produced prior to March 27, 2003, using the invention claimed in the present application.


5. More specifically, the attached embroideries were produced by: providing layers of fabric comprising a base layer, a top layer and an intermediary layer of a thickness; embroidering a pattern through the layers of fabric with thread; cutting the intermediary layer at a height to separate the top and base layers; and removing the remaining intermediary layer from at least one of the top and base layers.

I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully submitted,



Minoru Goda



Date

Exhibit A

[REDACTED]

[REDACTED]

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